II. REMARKS

A. General.

Claims 1 and 33-59 are pending. Claims 37 and 38 are amended. Applicant thanks the Examiner for conducting a telephone interview on 29 March 2002 in an effort to advance this application to issue.

B. Rejection under 35 U.S.C. § 102.

The Examiner has rejected claims 1, 33-35, 48-51, 58, and 59 under 35 U.S.C. § 102(b) as being "anticipated by Nagashima [GB 2 259 204 A; hereinafter 'Nagashima']." See Office Action, ¶ 6. Applicant disagrees at least because Nagashima does not disclose or suggest the act of "selecting data from the database in response to the accepted selections" made from "a set of menus describing the database" as recited in Applicant's independent claim 1.

In one instance, Nagashima discloses a "controller 12" that "operates in accordance with a control program stored in ROM 13." See Nagashima, p. 9. "The controller 12 stores RDS data successively transmitted thereto ... once into a RAM 14." See id. Such RDS data includes a "PTY (broadcasting program contents identification) code .... The PTY code is used to inform which one of, for example, classic music, light music, news, sports and so forth is being broadcast at present." See id., p. 4. Controller 12 "further receives various operation instructions entered by way of an operation panel 15." See id., p. 10. There is a "speech synthesizing circuit 16" that outputs "a predetermined message representative of the name of [a] broadcast station and the contents of [a] program." (emphasis added) See id., p. 12. "As a result, the user can know ... the name of the broadcasting station being received by the FM receiver ... and the contents of the program." See id., p. 13. In other words,

Nagashima discloses information being output that <u>describes the type of program content</u>, but does not store and later output the received content, as recited in Applicant's claims.

In another instance, Nagashima discloses a "display unit" and that "names of FM stations preset in preset channels ... and contents of programs of the stations at present are automatically displayed on the display unit so that the contents of the programs of the preset stations at present may be notified to the user." <u>See id.</u>, pp. 20-21. "[T]he FM tuner 1 successively searches for preset stations set in advance in the tuner 1 and stores PTY [RDS program type] codes of the preset stations in RAM 14." <u>See id.</u>, p. 21 Controller 12 "reads out from the RAM 1 [sic] PTY codes which provide information of contents of programs of the preset stations at present, and displays them on the screen of the display unit 17." <u>See id.</u>, p. 22; <u>see also id.</u>, Fig. 7. "If the user depresses, looking at the display of the contents of the programs ..., a preset button for an FM station to which the user wants to listen, the controller 12 detects this, sets the receiving frequency of the FM tuner 1 to a frequency of the designated preset station and starts reception of the desired preset station." <u>See id.</u>, p. 22. Nagashima ends by stating that "the present invention is not limited to the RDS and can be applied to an FM multiple broadcasting wave <u>so far as information for identification of contents of a broadcasting program is carried thereon</u>." (emphasis added) <u>See id.</u>, p. 23.

Thus Nagashima discloses only the reception of data and storage of the received data. The stored data is used to output "a predetermined message representative of ... the contents of [a] program." The received and stored data is not output, nor is the received and stored data output in response to a selection from a set of menus. In contrast, Applicant's independent claim 1 recites "a memory ... for storing data in the received broadcast signal in a database." There is "a user interface for providing a set of menus describing the database, and for accepting selections from the set of menus." There is also a "controller ... for selecting

data from the database in response to the accepted selections," and this controller "provid[es] the selected data in a digital form." A "speech producing subsystem ... convert[s] the selected data from digital form to an analog signal." Accordingly, since Nagashima does not disclose or suggest all elements recited in Applicant's claim, claim 1 is patentable over Nagashima.

Further, Applicant disagrees with the Examiner's assertion that "Nagashima ... discloses: ... a memory ... for storing data in the received broadcast signal in a database," <u>see</u> Office Action, ¶ 6, because Nagashima does not disclose a logical storage arrangement (distinct from a physical location) of the received "RDS data" or the "predetermined message" in a manner that would suggest a "database" as recited in Applicant's claims. Hence Nagashima does not disclose a "database," about which is provided "a set of menus describing the database" or from which is selected "data from the database in response to ... accepted selections," as recited in Applicant's claim 1.

Applicant's independent method claim 58 likewise distinguishes over Nagashima because claim 58 recites "storing the received information in a database; providing a set of menus describing the database; accepting selections from the set of menus; [and] selecting data from the database <u>in response to</u> the accepted selection." (emphasis added) Accordingly, claim 58 is patentable over Nagashima.

Since Nagashima does not disclose or suggest each and every element of Applicant's independent claims 1 and 58, claims depending therefrom are likewise not "anticipated by Nagashima" as the Examiner argues. Thus dependent claims 33-35, 48-51, and 59 are patentable over Nagashima.

With reference to dependent claim 35, Applicant respectfully disagrees with the Examiner's statement that Nagashima discloses a magnetic disk by disclosing RAM 14 (or ROM 13) in FIG. 1. <u>See</u> Office Action, ¶ 6.

With reference to dependent claim 51, Applicant respectfully disagrees with the Examiner's statement that Nagashima discloses a hierarchy for a database. See id. Applicant believes the Examiner incorrectly cites Nagashima's Fig. 8, which discloses only "a table of RDS data," see Nagashima, p. 8, and Nagashima's Fig. 9, which discloses only "a diagrammatic view illustrating a transmission format of RDS data," see id. No "hierarchy" as recited in Applicant's claim is disclosed or suggested.

C. Rejections under 35 U.S.C. § 103.

The Examiner rejected claims 36-40 under 35 U.S.C. § 103(a) as being "unpatentable over Nagashima ... in view of Lovett [U.S. Patent No. 4,450,477; hereinafter 'Lovett'] in view of Rovira [WIPO International Publication No. WO 92/10040; hereinafter 'Rovira']." See Office Action, ¶ 7. The Examiner further rejected claims 41, 42, and 47 as being "unpatentable over Nagashima ... in view of Rovira." See id., ¶ 8.

The limits of Nagashima's disclosure are discussed above. Applicant agrees with the Examiner's statement that "Nagashima ... does not disclose the received audio data has been converted from analog form to digital form"; "... does not disclose the received digital audio data is digitized and has been compressed"; "... does not disclose the received audio data is digitized and has been encrypted"; and "... does not disclose the received data has been converted from analog to digital form." See id., ¶ 7. Further, Applicant agrees with the Examiner that "Nagashima ... does not disclose a decryptor for decrypting the data"; "... does not disclose a decompression algorithm for decompressing the data"; and "... does not disclose a control for determining the speed at which the speech output device outputs the analog signal." See id., ¶ 8.

Lovett discloses a "cable television and information system." See Lovett, col. 6, line 50. A "central computer 138" is located at a "head end." See id., col. 11, line 50. The central computer accesses data based on "data selection instructions" from a subscriber's remote terminal, but the data is not stored in the receiver. See id., col. 11, lines 50-54. Applicant agrees with the Examiner's statement that "Lovett does not specifically teach transmission of digital signals." See Office Action, ¶ 7.

Rovira discloses a method of "transmitting digital signals accompanied by program content data so that listeners/viewers may see a display of the program content data as they are listening/viewing the performance, without interrupting the performance." See Rovira, p. 1. Rovira discloses a "digital music tuner 100" that includes a "memory 144". See id., FIGs. 5, 6; pp. 12, 14. Memory 144 does not store "program data", but only "bits of data to support the demultiplexing, decrypting and decoding functions occurring in circuits 143, 145 and 147 respectively". See id., p. 14.

The combination of Nagashima, Lovett, and Rovira does not disclose or suggest, for example, "selecting data from the database in response to the accepted selections" from "a set of menus describing the database" as recited in Applicant's independent claim 1. Since this combination does not disclose or suggest each and every element of Applicant's independent claim 1, combining Nagashima, Lovett, and Rovira does not disclose or suggest all limitations recited in Applicant's dependent claims 36-40. Likewise, combining Nagashima and Rovira does not disclose or suggest all limitations recited in Applicant's dependent claims 41, 42, and 47. Further, these references do not disclose dependent claim limitations as the Examiner argues.

With reference to claim 36, neither Nagashima, Lovett, nor Rovira disclose or suggest that "the received data ['data in the received broadcast signal' that is stored 'in a database' as

recited in claim 1] is audio data that has been converted from analog form to digital form" (emphasis added) as the claim recites.

With reference to claim 37, neither Nagashima, Lovett, nor Rovira disclose or suggest that "the received audio data is digitized and has been compressed" (emphasis added) as the claim recites.

With reference to claim 38, neither Nagashima, Lovett, nor Rovira disclose or suggest that "the audio data has been encrypted" (emphasis added) as the claim recites.

With reference to claim 39, neither Nagashima, Lovett, nor Rovira disclose or suggest that "the received data is alphanumeric data that has been converted from analog form to digital form" (emphasis added) as the claim recites.

With reference to claim 40, neither Nagashima, Lovett, nor Rovira disclose or suggest that "the alphanumeric data [i.e., 'received data' that has been 'converted from analog form to digital form' as recited in Applicant's claim 39] is converted to voice data by a speech synthesizer" as the claim recites.

With reference to claims 41 and 42, neither Nagashima nor Rovira disclose or suggest all limitations in claim 1, from which claims 41 and 42 depend.

With reference to claim 47, Rovira discloses only "rate synchronizers 33-1 and 33-2". See Rovira, FIG. 3, pp. 10-11. These "rate synchronizers" are part of "encoder 20-1" which, in turn, is part of "the studio and transmitter, or uplink, section" of Rovira's invention. See id., FIG. 2, p. 8. Therefore, such "rate synchronizers" are distinct from "a control for determining a speed at which [a] speech producing sub-system outputs [an] analog signal" in a "receiver" as recited in Applicant's claim 47.

D. Amended claims.

Claims 37 and 38 are amended to delete the word "digitized" since this limitation is inherent as recited in claim 36, from which claims 37 and 38 depend. The word "received" is added to claim 38 to mirror similar language recited in claim 37. No new matter is added.

E. Request for interview.

Applicant's undersigned attorney requests another telephone interview to discuss the pending claims if the Examiner's next action is other than to issue a Notice of Allowance for all pending claims.

F. Request.

Applicant requests the Examiner reconsider, allow all pending claims, and pass this application to issue. If the Examiner has any questions or if Applicant's attorney can assist speeding prosecution of this application in any way, Applicant requests the Examiner telephone the undersigned attorney at 408-453-9200, ext. 1253.

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Respectfully submitted,

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I. IN THE CLAIMS

37. (Amended) The device of Claim 36, wherein the received [digitized] audio data is digitized and has been compressed.

38. (Amended) The device of Claim 36, wherein the <u>received</u> [digitized] audio data has been encrypted.